

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO.: 5:17-cv-00534-H

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)	
EPIC GAMES, INC.,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
C.R.,)	
)	
Defendant.)	
)	

This matter is before the court on plaintiff's motion to appoint Lauren A. Rogers General Guardian for Defendant or, In the Alternative, Appoint a Guardian ad Litem ("GAL") for Defendant. [DE #31]

BACKGROUND

Plaintiff filed a complaint in this matter on October 23, 2017. On October 27, 2017, the clerk's office issued a summons to defendant C.R. On November 15, 2017, the court received a letter from Lauren A. Rogers, C.R.'s mother, in which she asked the court to dismiss the complaint against C.R. [DE #6]

After effectuating proper service, plaintiff asked the court to enter default for failure of defendant to answer or otherwise respond. [DE #11] The court found that while it was

true that defendant had not responded since proper service was effectuated, the letter from defendant's mother [DE #6] detailing why this matter should be dismissed could not be ignored. Therefore, the court construed the letter [DE #6] as a motion to dismiss and denied without prejudice defendant's motion for entry of default. [DE #13] The court subsequently denied the letter it construed as a motion to dismiss. [DE #13] The court notes no further filings or letters have been received from defendant or his guardian.

On August 19, 2018, plaintiff filed a motion for entry of default. Default was entered by the clerk on September 11, 2018 [DE #24].

Plaintiff filed a motion for default judgment [DE #25], which the court denied because there had been no official appearance by anyone on behalf of the minor defendant [DE #29] The court directed the Clerk to re-enter default against the defendant and serve the defendant in care of Lauren Rogers with a new entry of default. [DE #29] The new entry of default was entered and served on defendant on August 13, 2019. [DE #30]

On October 9, 2019, plaintiff filed its Motion to Appoint Lauren A. Rogers General Guardian for Defendant or, In the Alternative, Appoint a Guardian ad Litem ("GAL") for Defendant. [DE #31]

COURT'S DISCUSSION

I. Legal Standard

Under Local Civil Rule 17.1(a), "[r]epresentation of minor . . . parties in a civil action shall be in accordance with Fed. R. Civ. P. 17(c). Fed. R. Civ. P. 17(c)(1) provides that a general guardian may defend on behalf of a minor. See id. Federal Rule 17(c)(2) provides that "[t]he court must appoint a guardian ad litem - or issue another appropriate order - to protect a minor . . . who is unrepresented in an action." Id.

II. Analysis

Plaintiff, in its memorandum of law in support of its motion, has detailed for the court the reasons why defendant's mother, Lauren A. Rogers, should be officially appointed as general guardian and representative for defendant in this action.

CONCLUSION

In light of the circumstances herein, based on the facts currently before the court, and pursuant to Local Civil Rule 17.1(a) and Fed. R. Civ. P. 17(c), the court hereby APPOINTS Lauren A. Rogers as C.R.'s representative and general guardian in this action.

The clerk is directed to serve this order on Lauren Rogers and defendant c/o Lauren Rogers at the following addresses: C.R. c/o of Lauren Rogers, 5 Vireo Circle, Newark, DE 19711 and C.R.

c/o Lauren Rogers, 501 West Ave., New Castle, DE 19720.

This the ____ day of _____, 2019.

Malcolm J. Howard
Senior United States District Judge

At Greenville, NC